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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,275	07/11/2003	Ronald Paul Dean	10017961-2	4838

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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07/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/618,275	Applicant(s) DEAN ET AL.	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Panel Remand to the Examiner by BPAI received on 2/25/09. PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/J. ALLEN SHRIVER II/
Supervisory Patent Examiner, Art Unit 3632

This application currently contains pending claims 1-24. Claims 17-20 were withdrawn. An action on the merit for claims 1-16 and 21-24 follows:

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-3, 5-7, 12-1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,102,499 to Chen et al.

As to claim 1, Chen discloses a mounting bracket 10 for removably attaching data processing device, comprising a deforming element 14 (biasing tab) (Fig. 3) configured from a resiliently-deformable surface, wherein said deforming element increases a deformability of said resiliently-deformable surface; and a pair of attachment members (14d) (holes) disposed on opposite sides of and attached to said surface and adapted to interface with the device (CD-ROM 20) upon deformation of said deforming element.

As to claim 2, wherein said each of the attachment members 14d comprises fastener attachment sites (holes) for receiving fasteners 25 for interfacing said attachment members with the device upon deformation of said deforming element.

As to claim 3, wherein the deforming element comprises at least one compression element.

As to claim 5, wherein said deforming element comprises a portion of said surface adapted to provide a spring element (biasing tab 14).

As to claim 6, wherein the deforming element is adapted to provide linear deformation of said surface.

As to claim 7, wherein the deforming element (biasing tab 14) of said surface is compressed to bring said attachment members into contact with said device 20.

As to claim 12, note that the device is not part or positively claimed according to the preamble, therefore claim 12 is also met by Chen et al. Nevertheless, Chen's CD-ROM 20 is a computer storage device.

As to claim 13, The mounting bracket of Chen according to claim 1 further comprising screw holes 14d (for screw 25) defined in said attachment members.

As to claim 14, said resiliently-deformable surface is deformed by action of screws inserted through said screw holes into said device.

As to claim 21, Chen et al discloses a mounting bracket for removably data processing device comprising a mounting bracket 10 constructed from a thermal conductor (metal material)(see acknowledgement on col. 1, lines 48-49); sidewalls on said mounting bracket constructed from said thermal conductor; fastening receptacles 14d within said sidewalls for securing said computer-mounted device in relation to a computer, wherein said fastening creates a thermal interface between said computer-mounted device and said sidewalls.

Claims 1-3, 5-7, 12-13, 15-16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,262,923 to Batta et al.

As to claim 1, Batta et al. discloses a device adapted for attachment to the side of a disc drive for mounting the disc drive into a computer comprising a deforming element 18, 38 (biasing tab) (Figs 1 and. 3) configured from a resiliently-deformable

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surface 12, wherein said deforming element increases a deformability of said resiliently-deformable surface; and a pair of attachment members (slots 16 or 19) disposed on opposite sides of and attached to said surface and adapted to interface with the device (bay 40) upon deformation of said deforming element.

As to claim 2, wherein said each of the attachment members 16, or 19 comprises fastener attachment sites (slots) for receiving fasteners such as bolts, rivets or the like (col. 6, lines 28-30) for interfacing said attachment members with the device upon deformation of said deforming element.

As to claim 3, wherein the deforming element comprises at least one compression element (note the tabs 18 act as springs having resilient movement, which enables them to continually press against the sides of the bay (col. 5, lines 25-28)

As to claim 5, wherein said deforming element comprises a portion of said surface adapted to provide a spring element (biasing tabs 18).

As to claim 6, wherein the deforming element 18 is adapted to provide linear deformation of said surface.

As to claim 7, wherein the deforming element of said surface is compressed to bring said attachment members into contact with said device 40.

As to claim 12, note that “the device” is not part or positively claimed according to the preamble, therefore claim 12 also met by Batta et al.

As to claim 13, the mounting bracket of Batta further comprising screw holes (slots 16 or 19 (for fasteners, not shown)) defined in said attachment members.

As to claim 15, wherein said resiliently- deformable surface comprises a compressible lateral midline portion connecting opposing outer lateral portions of said surface.

As to claim 16, wherein said resiliently- deformable surface includes a flat spring (considered spring 18 is a flat spring) midline portion connecting opposing outer lateral portions of said surface.

As to claim 21, Batta et al discloses a mounting bracket 10 for attachment to a side of a disc drive for mounting the disc drive into a computer comprising a mounting bracket 10 constructed from a thermal conductor (a single piece constructed of steel material, col. 5, lines 59-60) ; sidewalls on said mounting bracket constructed from said thermal conductor (also from steel); fastening receptacles (slots 16, 19) within said sidewalls for securing said computer-mounted device in relation to a computer, wherein said fastening creates a thermal interface between said disc drive and said sidewalls.

Claims 1-3, 5-7, 10-16 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,823,495 to Joss et al.

As to claim 1, Joss et al. teaches a mounting bracket for a device comprising: a deforming element (a member or part of element 118, 120,(Fig. 1) which functions as a spring element, note the element 118, 120 act as spring having resilient movement, which enables them to continually press against the bottom side of the radio 202 , the spring acts to further dampen vibration, mechanical shocks etc. (Col. 2, lines 61-62)) ,

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the spring configured from a resiliently-deformable surface (104), wherein said deforming element can increase a deformability of said resiliently-deformable surface under stress condition; and a pair of attachment members (107, 115) disposed on opposite sides of and attached to said surface and adapted to interface with the device upon deformation of said deforming element.

As to claim 2, said each of said attachment members comprises fastener attachment sites (112, 115) (Fig. 1) for receiving fasteners for interfacing said attachment members with the device upon deformation of said deforming element.

As to claim 3, said deforming element comprises one or more compression elements (such as compression element of part or member of 118, 120).

As to claim 5, said deforming element comprises a portion of said surface adapted to provide a spring element.

As to claim 6, said deforming element is adapted to provide linear deformation of said surface (104).

As to claim 7, said deforming element of said surface is compressed to bring said attachment members into contact with said device.

As to claims 10-11, Joss et al. further teaches a thermal interface material disposed between the attachment member and the device and the thermal interface material is a thermally-conductive elastomer sheet material (114, 115) (Col. 2, lines 5-54).

As to claim 12, the device is not a positive part of the claim; therefore this claim limitation is met by Joss et al.

As to claim 13, further comprises screw holes (112) (Fig. 1) defined in said attachment members.

As to claim 14, said resiliently-deformable surface is deformed by action of screws inserted through said screw holes into said device 201.

As to claim 15, said resiliently-deformable surface (104) comprises a compressible lateral midline portion connecting opposing outer lateral portions of said surface (105, 108, 109 for example).

As to claim 16, said resiliently-deformable surface includes a flat spring midline portion connecting opposing outer lateral portions of said surface (118, 120).

As to claim 21, Joss et al. teaches the device comprising: a mounting bracket constructed from a thermal conductor (metal)', sidewalls on said mounting bracket constructed from said thermal conductor (metal); and fastening receptacles (112, 115) within said sidewalls for securing said device, wherein said fastening can allow heat to move or flow from one body to another, thus it inherently creates a thermal interface between said device and said sidewalls.

As to claims 22-23, Joss et al. also teaches a thermal interface material (114) disposed between the attachment member and the device and the thermal interface material is a thermally-conductive elastomer sheet material (114) (Col. 2, lines 5-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batta et al.

Batta et al does not disclose expressly that the deforming element comprises a serpentine strip. Batta et al, however teaches the spring tab 18a, 18b may be varied depending on the specific spring force desired (col. 5, lines 29-31). Thus to construct the spring such as a serpentine metal strip would have been an obvious matter of design choice for one skilled in the art at the time the invention was made in view of the disclosure of Batta et al.

it would have been an obvious matter of design choice to make the deforming element comprising a serpentine metal strip since applicant has not disclosed that a serpentine metal strip solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any other spring shapes other than serpentine. Nevertheless, the particular shape claimed by the Applicant is nothing more than one of numerous shapes that a person having ordinary skill in the art provides for using routine experimentation based on its suitability for the intended use of the invention. See In Re Daily, 149 USPQ 47 (CCPA 1976).

Claims 8-9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. Batta et al. or Joss et al.

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As to claims 8 and 9, Chen et al, Batta et al or Joss et al discloses the claimed invention except for the deforming element and the attachment members comprising of machined aluminum alloy. However, aluminum alloy is well known, commercially available material, that use for a variety of application, especially for the spring applications, the material is usually stiff enough to hold its shape but it can be bent enough to be deformed. Accordingly, it would have been obvious to one ordinary skill in the art as a matter of engineering design choice to utilize aluminum alloy the particular material because it is well-within the level of skill in the art to utilize the known features of the art for the purpose for which they are known. Thus it produces no new and unexpected results.

It would also have been obvious to one having ordinary skill in the art at the time the invention was made to construct the deforming element and the attachment members comprising of machined aluminum alloy, Since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen J. Shriver can be reached on (571) 272-6689. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tan Le
Examiner
Art Unit 3632

/J. ALLEN SHRIVER II/
Supervisory Patent Examiner, Art Unit 3632